

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

* * *

DEANGELO LAMONT MITCHELL,

Plaintiff,

v.

RUSTY DONNELLY, *et al.*,

Defendants.

Case No. 3:20-cv-00645-MMD-CLB

ORDER

I. DISCUSSION

Plaintiff Deangelo Lamont Mitchell initiated this action with an application to proceed *in forma pauperis* and a civil rights complaint under 42 U.S.C. § 1983. (ECF Nos. 1, 1-1.) Plaintiff has now filed a declaration stating that he wishes to dismiss this case without prejudice so that he can exhaust his administrative remedies. (ECF No. 4.) Under Federal Rule of Civil Procedure 41(a)(1), a plaintiff may dismiss an action without a court order by filing “a notice of dismissal before the opposing party serves either an answer or a motion for summary judgment.” Fed. R. Civ. P. 41(a)(1)(A)(i). As no responsive pleading has been filed in this case, the Court accepts Plaintiff’s notice of dismissal.

II. CONCLUSION

For the foregoing reasons, it is ordered that this action is dismissed in its entirety without prejudice.

It is further ordered that Plaintiff’s application to proceed *in forma pauperis* (ECF No. 1) is denied as moot.

It is further ordered that the Clerk of the Court will enter judgment accordingly.

DATED THIS 10th Day of March 2021.


MIRANDA M. DU
CHIEF UNITED STATES DISTRICT JUDGE